



PATENT

3743

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martin D. Smalc  
Serial No.: 09/847,717  
Filed: May 2, 2001  
Atty. Docket No.: P1032/N7113  
For: Finned Heat Sink Assemblies  
Group Art Unit: 3743  
Examiner: L. Leo  
Customer No.: 23456

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10-5-02

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## RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner of Patents  
And Trademarks  
Washington, D.C. 20231

September 24, 2002

Dear Sir:

A Restriction Requirement under 35 U.S.C. §121 for the above-captioned application was mailed September 9, 2002, requiring restriction between the claims of Group I, claims 1-6 and 29-34, and Group II, claims 7-28. The Restriction Requirement further requires that, should the claims of Group II be elected, an election between the species illustrated in Figures 1 and 12 is required.

Although Applicant does not concede the propriety of a restriction requirement in the instant case, in order to expedite prosecution, the claims of Group II, claims 7-28 are hereby elected, without traverse.

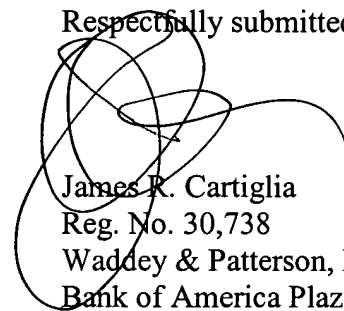
In addition, in response to the requirement for an election of species, Applicant again does not concede the propriety of the requirement but hereby elects the species illustrated in Figure 1.

With respect to the election of claims readable on the embodiment of Figure 1, Applicant asserts that claims 7-11 and 13-28 are readable on the embodiment of Figure 1. However, Applicant respectfully disagrees with the assertion in the action that no claims are generic to both the embodiment shown in Figure 1 and the embodiment shown in

Figure 12. In fact, it is contended that claims 7-11 and 13-14 are generic to both embodiments, with only claims 15-28 readable primarily on the embodiment of Figure 1.

Upon entry of the elections set out above, it is believed that prosecution in the merits can begin, and that all elected claims 7-28 are in condition for allowance. Such action is earnestly sought. If there remains any matter that prevents the allowance of any of claims 7-28, the Examiner is requested to call the undersigned collect at 616.242.2400 to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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Attorneys for Applicant

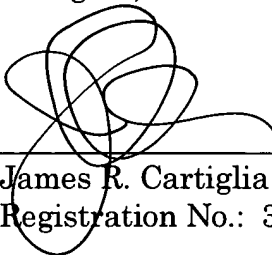
This attorney is located at our Nashville, Tennessee office and can be contacted directly at:

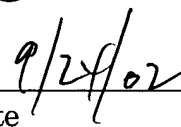
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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Response to Election Requirement, including self addressed return post card, is being deposited with the United States Postal Service on the date shown below, as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

  
\_\_\_\_\_  
James R. Cartiglia  
Registration No.: 30, 738

  
\_\_\_\_\_  
Date

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